



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Douglas M. Duncan
County Executive

MEMORANDUM

James A. Caldwell
Director

August 8, 2006

TO: See "DISTRIBUTION" Section of the Attached Documents

FROM: Shelley Janashek, Environmental Planner II, Water and Wastewater Policy
Department of Environmental Protection

SUBJECT: Approval of Comprehensive Water and Sewer Plan Amendments

Shelley Janashek

This is to notify you that the Director of the Department of Environmental Protection (DEP) acted on August 8, 2006, to grant approval for amendments to the County's "Comprehensive Water Supply and Sewerage Systems Plan" (CWSP), under the authority delegated by the County Council in that plan. Posted to our website as a PDF as of this date are documents addressing the following amendments:

AD2006-3 – CCR #:

- 06A-DAM-04: Daniel Pipher
- 06A-POT-03: Negar Imami
- 05A-TRV-05: Janusz Bazyluk
- 06A-TRV-01: Kathryn Adams
- 06A-TRV-10: Claire Proffitt
- 06A-TRV-11: Claude Bynaker

One copy of these documents will be mailed to the Maryland Department of the Environment (MDE), which has 90 days to review the County's actions; at that time, MDE must concur with, deny, or advise of the need for a 90-day review extension of, the County's amendments. During the State's review time, applicants, at their own risk, may proceed with development and public water and sewer plans.

DEP will revise the water and sewer category map database in the County's geographic information system (GIS) to include these amendments, and they will be shown as part of the next Water and Sewer Category Map update.

If you have any questions concerning these actions, please contact either Shelley Janashek, (shelley.janashek@montgomerycountymd.gov or 240-777-7735) or Alan Soukup, (alan.soukup@montgomerycountymd.gov or 240-777-7716).

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Division of Environmental Policy and Compliance

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MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Comprehensive Water Supply and Sewerage Systems Plan Amendments Administrative Delegation Action 2006-3 Water/Sewer Service Area Category Change Requests

I. CHRONOLOGY - Interagency Notices of Public Hearing:	May 8, 2006
Published Notice of Public Hearing:	June 16, 2006
Public Hearing:	July 20, 2006
Public Hearing Record Closed:	July 27, 2006
DEP Administrative Approval Action:	August 8, 2006
MDE Review Completed:	

II. BACKGROUND - Authority: Under the Annotated Code of Maryland, Section 9-501, *et seq.*, the Maryland Department of the Environment (MDE) has charged the Montgomery County Council, as the governing body for Montgomery County, with adopting and amending a comprehensive plan for the provision of adequate water supply and sewerage systems within the county. As part of the staging element of Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan (CWSP), the Council has designated water and sewer service area categories for all properties within the county. Requests to change the water and/or sewer service area categories designated in the Plan constitute proposed amendments to that plan.

In the adopted CWSP, the County Council has delegated the authority to approve certain amendments to the Plan, including water and sewer category changes, by an administrative process, to the Director of the Department of Environmental Protection (DEP). To qualify for administrative consideration, these amendments must satisfy the specific requirements of the policies established by the Council as established in the CWSP, Chapter 1, Section V.F.2: Administrative Policies: Public Hearing Process.

Proposed Plan Amendments: DEP staff identified six proposed amendments eligible for consideration for approval by the administrative delegation process. A description and service area category map of each site are included in the administrative action tables in this summary of action. The proposed amendments were reviewed by the following agencies, as appropriate: the Washington Suburban Sanitary Commission (WSSC), the Maryland - National Park and Planning Commission (M-NCPPC), and the Montgomery County Department of Permitting Services - Well and Septic Section (DPS-W&SS).

III. PUBLIC HEARING PROCESS - Public Hearing Notification: In accordance with State regulations, DEP notified the appropriate County and State agencies on May 8, 2006, of the public hearing scheduled for July 20, 2006. DEP advised each property owner, local civic association leaders, and, if requested by the property owner, attorneys or engineers, of the public hearing by posting notice on our website on June 28, and Emailing interested parties to advise of same; included in the notice was the staff report and recommendation for the request as considered at the hearing. DEP also notified of the hearing, via postcard, parties-of-interest identified by M-NCPPC. In accordance with State regulations, a notice of the public hearing was published in the *The Gazette* on June 16, 2006; this notice provided a link to the DEP website on which all pertinent documents were placed prior to that date. Please note: some amendments were addressed through the administrative direct approval process, as specified in Chapter 1 of the Water and Sewer Plan. These amendments, as noted in the table in Section IV as "DAP" for "direct approval process," were not required to be included in the public hearing held on July 20.

Public Hearing Testimony and Interagency Recommendations: On July 20, 2006, Alan Soukup and Shelley Janashek presided over a public hearing on the amendments under consideration for administrative approval. Susanne Lee, representing the West Montgomery County Citizen's Association (WMCCA), was the only attendee. She requested that three properties be withdrawn from the Administrative Approval Process and referred to the Council:

- **05A-TRV-05** and **06A-TRV-11**, for which Ms. Lee requests removal from the Administrative/Direct Approval Process due to the language in the Master Plan, indicating that approval for this category of property may be granted only if the mains were "existing." This language is reflected in the Water and Sewer Plan's Piney Branch Restricted Sewer Access Policy. However, this language differs from that in the Water and Sewer Plan's broader Abutting Mains Policy, in which the language used is "existing and approved." Ms. Lee believes the Master Plan language most correctly reflects the intended applications of sewer service in Glen Hills.

- **06A-TRV-01**, for which Ms. Lee requests removal from the Administrative/Direct Approval Process due to potential restrictions on sewer service to this property imposed by and resulting from lawsuits impacting service to two nearby properties

Comments received from M-NCPPC, WSSC, and from DPS raised no objection to the administrative approval of any of the subject amendments.

On July 13, 2006, the Montgomery County Planning Board considered the DEP and M-NCPPC staff recommendations for the subject amendments. On the basis of the M-NCPPC staff recommendations, the Board concurred with the DEP staff recommendations for all amendments except for the three Travilah Planning Area properties referenced above. The Board requested that these amendments go before the County Council.

On July 26, 2006, County Council staff advised DEP that the Councilmembers also concurred with administrative approval of the proposed map amendments; however, a Councilmember recommended that the three Travilah Planning Area properties referenced above be referred to the Council. In citing these three requests for deferral, the Councilmember referenced testimony provided by WMCCA at both the Planning Board and DEP public hearings.

DEP proposed administrative approval of WSCCRs 05A-TRV-05, 06A-TRV-01, and 06A-TRV-11 under the Water and Sewer Plan's Direct Approval Policy. Under this policy, the approval of these requests does not require the concurrence of either the Planning Board or the County Council. However, DEP recognizes the concerns raised by these bodies with regard to these requests. All three requests will be placed on temporary "hold," pending our further review of the deferral requests. Following this review, the DEP Director will either grant an administrative approval in the near future, or defer these cases to the full Council as requested, with our November 2006 transmittal.

DEP closed the public hearing record on July 27, 2006. Summary information tables, which include all interagency recommendations and all testimony for the proposed amendments, are on file with DEP.

IV. DEP ADMINISTRATIVE ACTION - The June 2003 water/sewer category map update of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan is hereby amended as follows:

Map Amendment No. Applicant (Owner) Property Information Development	Applicant's Request: Service Area Categories Existing Requested		Administrative Action and Policy Justification
Damascus Planning Area: 06A-DAM-04: Daniel Pipher			
<ul style="list-style-type: none">• 25815 Woodfield Rd.; P412 & P413, Hutchcrafts Range• 236NW10; FX343• Damascus Master Plan (2006)• Upper Great Seneca Water-shed (MDE Use I)• RE-2C Zone; 0.62 ac. total• Existing & Proposed: Single Family House and adjoining vacant lot	W-1 S-6	W-1 (n/c) S-1	As approved by the County Council under Resolution #15-1588: "Approve S-3 for single sewer hookups only for each of the existing parcels."
Potomac Planning Area: 06A-POT-03: Negar Imami			
<ul style="list-style-type: none">• 8801 Falls Rd.; Lot 8, Rock Run Knolls• 211NW11; FP121• Potomac Subregion Master Plan (2002)• Rock Run Watershed (MDE Use I)• R-200 Zone; 1.01 ac.• Existing & Proposed: Single Family House and vacant lot	W-1 S-6	W-1 (n/c) S-1	Approve S-1. Policy V.F.1.a: Consistent with existing plans.

Map Amendment No. Applicant (Owner) Property Information Development	Applicant's Request: Service Area Categories Existing Requested	Administrative Action and Policy Justification
Travilah Planning Area: 05A-TRV-05: Janusz Bazyluk		
<ul style="list-style-type: none"> • 10509 Boswell La.; P530, Wickham & Pottinger • 217NW10; FR341 • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) – Piney Branch Subwatershed (Mont. Co. SPA) • RE-1 Zone; 0.40 ac. • Existing & Proposed: Single Family House 	W-1 S-6 W-1 (n/c) S-1	<i>DEP has placed this request for category S-1 on hold pending further review of agency requests for deferral to the County Council.</i>
06A-TRV-01: Kathryn Adams Estate		
<ul style="list-style-type: none"> • 12809 Spring Dr.; Lot 21, Block 2, Glen Hills, Sec. 3 • 217NW10; FR41 • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) – Piney Branch Subwatershed (Mont. Co. SPA) • RE-1 Zone; 1.14 ac. • Existing & Proposed: Single Family House 	W-1 S-6 W-1 (n/c) S-3	<i>DEP has placed this request for category S-3 on hold pending further review of agency requests for deferral to the County Council.</i>
06A-TRV-10: Claire Proffitt		
<ul style="list-style-type: none"> • 12400 Piney Glen La; Lot 23, Block A, Piney Glen Farms • 216NW11; FQ123 • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) – Piney Branch Subwatershed (Mont. Co. SPA) • RE-2 Zone; 5.31 ac. • Existing & Proposed: Single Family House 	W-1 S-6 W-1 (n/c) S-3	Approve S-1, restricted to one hook-up only. Policy V.F.2.b.: Properties abutting existing mains: single hookups. (DAP)
06A-TRV-11: Claude Bynaker		
<ul style="list-style-type: none"> • 10501 Boswell La.; Parcel P551, Wickham & Pottinger • 217NW10; FR31 • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) – Piney Branch Subwatershed (Mont. Co. SPA) • RE-1 Zone; 0.63 ac. • Existing & Proposed: Single Family House 	W-1 S-6 W-1 (n/c) S-3	<i>DEP has placed this request for category S-3 on hold pending further review of agency requests for deferral to the County Council.</i>

Now therefore be it resolved by the Director of the Montgomery County Department of Environmental Protection that the amendments described above for inclusion in the County's Comprehensive Water Supply and Sewerage Systems Plan are approved. DEP will revise the water and sewer category maps in the County's geographic information system (GIS) database to include these amendments, and they will be shown as part of the next interim or triennial service area map update.

Approved


James A. Caldwell, Director
Montgomery County Department of Environmental Protection

V. M-NCPPC DEVELOPMENT REVIEW COMMITTEE UPDATE: No category changes granted under this approval action affect subdivision plans.

VI. NOTIFICATION OF DEP ACTION - DEP will submit notification of the Director's action to MDE for that agency's review. MDE has 90 days to comment on the administrative approvals granted. DEP will also notify each applicant, appropriate county government agencies, and other interested parties of the Director's action. A list of agencies and individuals that will receive a copy of this summary of action follows:

Distribution: Interagency

Robert Summers, Water Management Admin., MDE
George Leventhal, Montgomery County Council
Nancy M. Floreen, Montgomery County Council
Derick P. Berlage, M-NCPPC/Planning Board
Keith Levchenko, Montgomery County Council
Jay Beatty, Department of Permitting Services
Gwen Wright, M-NCPPC, County-Wide Planning Division

Cathy Conlon and Richard Weaver, M-NCPPC,
Development Review Division
Mary Dolan, M-NCPPC, County-Wide Planning
Division/Environmental Unit
Zohreh Movahed and Beth Forbes, WSSC, Development
Services Group
Peg Robinson, WSSC, Service Applications Group
Lynda Sillers, WSSC, Assessments Group

Distribution: Property Owners Listed Above/Other Interested Parties/Public Interest Groups

Dolores Milmoie, Audubon Naturalist Society
Susanne Lee, West Montgomery County Citizens Association/Glen Hills Civic Association
George and Ginny Barnes, Glen Preservation Foundation

Attachments – Amendment Service Area Category Mapping for Imami and Proffitt only (Pipher approved under Council packet; others pending at this time – no action taken)



